

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on August 13, 2002.

I. DISPUTE

1. Whether there should be additional reimbursement for ambulatory surgical care for date of service August 20, 2001.

II. RATIONALE

Commission Rule 133.304(I)(1-4) places certain provisions on the carrier when reducing the billed amount to fair and reasonable. The respondent did not provide a methodology. Rule 133.307(g)(3)(D) requires the requestor to discuss, demonstrate, and justify that the payment amount being sought is fair and reasonable. The requestor billed \$5,214.41 for the Ambulatory Surgical Center; the respondent paid \$900.00 leaving a balance of \$4,268.91. Per Rule 413.011(d) the requestor has submitted redacted EOBs to support charges for same or similar services were paid at between 83 and 85%; requestor has also submitted medical documentation to support services were rendered as billed.

III. DECISION & ORDER

Based upon the review of the disputed healthcare services within this request, the Medical Review Division has determined that the requestor is entitled to reimbursement for facility fees in the amount of \$3,532.24 ($\$5,214.41 \times 85\% = \$4,432.24 - \900.00). Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit **\$3,532.24** plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this Order.

The above Decision and Order are hereby issued this 16th day of May 2003.

Marguerite Foster
Medical Dispute Resolution Officer
Medical Review Division

Roy Lewis, Supervisor
Medical Dispute Resolution
Medical Review Division

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